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14 Attorneys for Plaintiffs

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 MARC OPPERMAN, et al., for themselves
and all other similarly situated individuals,

19 Plaintiffs,

20 v.

21 PATH, INC. et al.,

22 Defendants.
23

Case No. 3:13-cv-00453-JST

**JOINT STIPULATION AND [PROPOSED]
ORDER TO CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE**

Hon. Jon S. Tigar

24
25
26 Plaintiffs individually and on behalf of a proposed class of similarly situated individuals
27 (“Plaintiffs”) and Defendants jointly file this stipulation seeking an order to continue the initial Joint
28

1 Case Management Conference pursuant to Civil Local Rules 6-2 and 7-12 and Judge Tigar's Standing
2 Order in Civil Cases.

3 Whereas, on February 28, 2013, the Court issued a Notice [Dkt #264] setting the initial Case
4 Management Conference in this action for May 1, 2013 and setting an April 24, 2013 deadline for
5 submission of the parties' Joint Case Management Statement. Based upon the Notice, the parties'
6 deadline under the Federal Rules to hold their Rule 26(f) discovery and case planning conference to
7 assist in preparation of a Joint Case Management Statement was April 10, 2013. *See* FED. R. CIV. P.
8 26(f).
9

10 Whereas, prior to that conference deadline on April 1, 2013, the Court issued an Order [Dkt
11 #304] holding in abeyance in the interest of conservation of resources all case deadlines pending
12 consideration of relation of this case and *Hernandez v. Path*, Case No. 12-cv-1515-YGR. As a
13 consequence, the parties understood the case management conference-related deadlines and hearing to
14 have also been held in abeyance and have not yet conferred on discovery and other Rule 26(f) case
15 management issues pertinent to preparation of a Joint Case Management Statement.
16

17 Whereas, on April 22, 2013, the Court issued a notice indicating that the case management
18 conference would proceed on May 1, 2013 and that the parties' Joint Case Management Statement
19 was due two days later on April 24, 2013.
20

21 Whereas, the issue of relation of *Hernandez v. Path*, Case No. 12-cv-1515-YGR to the present
22 case is still pending before this Court and, in view of the Order and the Notices, the parties will not
23 have an adequate opportunity to hold a Rule 26(f) discovery and case planning conference and prepare
24 an appropriate and useful Joint Case Management Statement in advance of either the reinstated
25 deadlines or the present May 1st Case Management Conference setting.
26

27 Whereas, on May 9, 2013, the Court is set to hear the Motions to Sever of Defendants Twitter,
28 Electronic Arts and Instagram.

1 Therefore, pursuant to Civil Local Rule 7-12, the parties, by and through their respective
2 counsel of record, hereby stipulate as follows:

3 1. The initial Case Management Conference is reset to May 15, 2013 or such later
4 available date as may be convenient for the Court on which it regularly schedules case management
5 conferences, specifically _____, 2013.

6
7 2. The parties' Joint Case Management Statement shall be due seven (7) days before the
8 reset Case Management Conference. All other deadlines based upon the date of the Case Management
9 Conference or Joint Case Management Statement, including the parties' Rule 26(f) conference, are
10 hereby reset.

11 IT IS SO STIPULATED.

12
13 Dated: April 23, 2013

Respectfully submitted,

14 PHILLIPS, ERLEWINE & GIVEN LLP

15
16 By: /s/
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED
2

3 SIGNED this _____ day of April, 2013.
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6 UNITED STATES DISTRICT JUDGE
7 HON. JON S. TIGAR
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